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NOTICE OF ALLOWANCE AND FEE(S) DUE

7590 12/19/2008

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Sq.
St. Louis, MO 63102

EXAMINER	
CHOI, PETER H	
ART UNIT	PAPER NUMBER
3623	

DATE MAILED: 12/19/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,148	01/30/2002	Linda Sharp	17706-00004	3551

TITLE OF INVENTION: NETWORK BASED SYSTEM AND METHOD FOR MARKETING MANAGEMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1510	$300	$0	$1810	03/19/2009

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590 12/19/2008

John S. Beulick
Armstrong Teasdale LLP
Suite 2600
One Metropolitan Sq.
St. Louis, MO 63102

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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10/066,148	01/30/2002	Linda Sharp	17706-00004	3551

TITLE OF INVENTION: NETWORK BASED SYSTEM AND METHOD FOR MARKETING MANAGEMENT

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nonprovisional	NO	$1510	$300	$0	$1810	03/19/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHOI, PETER H	3623	705-010000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
   - ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
   - ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list
   (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
   (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
   1 ______________________
   2 ______________________
   3 ______________________

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:
- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies ______________

4b. Payment of Fee(s): **(Please first reapply any previously paid issue fee shown above)**
- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number __________ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)
- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature ______________________ Date ______________________

Typed or printed name ______________________ Registration No. ______________________

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 976 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 976 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No. 10/066,148	Applicant(s) SHARP, LINDA	
	Examiner PETER CHOI	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/21/08.
2. ☒ The allowed claim(s) is/are 1,3,28,31,32 and 35-42.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
   1. ☐ Certified copies of the priority documents have been received.
   2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
   3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
   1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____ .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mike Anslinger on December 11, 2008.

Please amend the claims as follows:

Claim 1. (currently amended) A method for managing marketing using a network-based marketing business system including a server coupled to a <u>centralized interactive</u> database <u>and at least one client system</u> in order to measure and manage a development of a relationship between a business and a contact, said method comprising:

creating<u>, using the server,</u> a unifying framework to manage contact Acquisition, Closing, and Retention as a continuum;

creating<u>, using the server,</u> consistent contact relationship metrics across the unifying framework to measure progress in relationship development;

establishing, using the server, a deliberate, systematic process using the unifying framework and metrics to develop relationships and execute strategy, wherein the framework, metrics and process are stored in the database on the server;

creating and storing, using the server, a plurality of contact relationship levels representative of a customer lifecycle for the framework within the database, wherein each contact relationship level is assigned to at least one of a plurality of marketing phases including Acquisition, Closing and Retention;

anticipating in advance and populating, using the server, the database with a plurality of potential interactions between the business and the contact necessary within each contact relationship level to execute a predetermined strategy to develop the relationship between the business and the contact;

predefining, using the server, and storing in the database at least one trigger interaction within the plurality of potential interactions that enables movement of the contact from a first contact relationship level of the plurality of contact relationship levels to a second relationship level of the plurality of relationship levels and from a first marketing phase to a second marketing phase;

assigning, using the server, and storing in the database a predetermined relative interaction value based on an anticipated relative impact and relationship enhancement capabilities of each of the plurality of potential interactions between the business and the contact, the relative interaction value serving as a basis of measuring interaction effectiveness and progress in developing the relationship between the business and the contact;

assigning, using the server, and storing in the database a predetermined variable cost to each of the plurality of potential interactions between the business and the contact;

measuring , using the server, progress in relationship development for the contact within each contact relationship level by receiving over a network and recording the consistent contact relationship metrics of interactions, relative interaction value, and interaction variable cost associated with each actual interaction between the business and the contact in an ongoing interaction record stored in the database on the server, wherein each actual interaction has an associated relative interaction value and variable cost;

continually assigning, using the server, the contact to a contact relationship level of the plurality of contact relationship levels as each actual interaction is recorded in the database on the server such that the assigned contact relationship level remains the same until the predefined definition of the at least one trigger interaction required for movement of the contact between contact relationship levels occurs;

continually updating in the database on the server a cumulative relative interaction value and cumulative variable interaction cost for the contact as each actual interaction occurs within the assigned contact relationship level based on the relative interaction value and variable cost associated with each actual interaction;

developing, using the server, an operational data stream in the database on the server for the contact, wherein the data stream tracks a cause and effect relationship between the recorded actual interactions and the corresponding relative interaction

value of each recorded actual interaction and tracks the variable cost of each recorded actual interaction;

running, using the server, a computer-generated summary report for the contact, the summary report based on the data stream for the contact and transmitted by the server for display on ~~a~~ said at least one client system, wherein the report includes operational interaction flow summaries and patterns;

based on the report, making real-time day-to-day decisions, and process improvements regarding the profitability and effectiveness of the chosen strategy and analyzing and producing long-term planning of the profitability and effectiveness of alternative marketing strategies by aggregating and correlating the operational interaction flow summaries and patterns with data acquired from other decision support systems and transaction processing systems.

Claim 3 (currently amended) A method in accordance with claim 1 further comprising modeling alternative strategies in advance of investment, wherein modeling alternative strategies comprises:

anticipating, using the server, potential interactions, fixed costs associated with each potential interaction, and variable costs associated with each potential interaction, the potential interactions being necessary to carry out the alternative strategies through each of the plurality of marketing phases;

running reports, using the server, for each alternative strategy based on status quo, best case scenario, and worst case scenario;

selecting, using the server, a best new planned strategy;

configuring, using the server, an operational relationship tracking system by populating the database with the anticipated potential interactions necessary to carry out an implementation of the selected best new planned strategy as a continuum through the plurality of marketing phases and through the plurality of contact relationship levels within each marketing phase such that all potential interactions and the associated relative interaction values and variable costs of each interaction are available to be selected by the operator of the system for the interaction record when the system is operational;

linking planning to operational execution, using the server, by systematically tracking actual results in executing the selected best new planned strategy by receiving over the network and recording in the database on the server consistent contact relationship metrics within the framework in an ongoing interaction record, wherein each actual interaction has an associated relative interaction value and variable cost and wherein the interactions, the relative interaction values, and the variable costs each constitute a data stream of contact relationship metrics; and

updating strategy decision models, using the server, with actual operational variable cost data from a computer-generated summary report to replace estimates.

Claim 28 (currently amended) A method in accordance with claim 1 further comprising cross-referencing, using the server, the received contact profile information

against a unique identifier for easy retrieval and update in the database on the server, wherein the contact information includes the ongoing interaction record.

Claim 31 (currently amended) A method in accordance with claim 1 further comprising running computer-generated reports , using the server, and displaying the reports on the at least one client system that help management improve upon a marketing strategy to reduce risk and maximize profits by linking planning to operational execution by systematically tracking actual results in executing best new planned strategy.

Claim 32 (currently amended) A method in accordance with claim 1 further comprising running, using the server, a computer-generated detailed history of past interactions, current interactions, and planned interactions.

Claim 35 (previously presented) A method in accordance with claim 1, wherein recording each actual interaction between the business and the contact comprises receiving over the network and automatically recording each actual interaction in the ongoing interaction record in real time in the database on the server, wherein each actual interaction is initiated by at least one of the business, a contact of the plurality of contacts, and an automatic computer-generated trigger based on one of a previous actual interaction and an integrated market action plan.

Claim 36 (previously presented) A method in accordance with claim 1, wherein assigning the contact to a contact relationship level of the plurality of contact relationship levels as each actual interaction is received over the network and recorded comprises assigning the contact to a contact relationship level based on which potential interactions of the plurality of potential interactions keep the contact assigned to the same contact relationship level and which of at least one trigger interaction are predetermined to be necessary to move the contact from the first contact relationship level of the plurality of contact relationship levels to the second relationship level of the plurality of contact relationship levels and from a first marketing phase to a second marketing phase.

Claim 37 (previously presented) A method in accordance with claim 1 further comprising aggregating in the database on the server, as part of a data stream for a particular contact, each actual interaction between the business and the particular contact to determine an interaction flow between the business and the particular contact within each contact relationship level of the plurality of contact relationship levels and within the at least one marketing phase, wherein the data stream for the particular contact includes a relative interaction value of each actual interaction between the business and the particular contact and a variable cost of each actual interaction between the business and the particular contact.

Claim 38 (previously presented) A method in accordance with claim 37 further comprising aggregating the data stream in the database on the server associated with the contact into the data stream of all contacts of a plurality of contacts to determine an interaction flow between the business and the plurality of contacts within each contact relationship level of the plurality of contact relationship levels and within the at least one marketing phase.

Claim 39 (currently amended) A method in accordance with claim 38 further comprising running a computer-generated summary report for the plurality of contacts, the summary report based on the aggregate data stream of the plurality of contacts, and displaying the summary report on the at least one client system.

Claim 40 (previously presented) A method in accordance with claim 39 further comprising comparing the data stream for each contact of the plurality of contacts and the computer-generated summary report generated for each contact to the aggregate data stream of the plurality of contacts and the computer-generated summary report generated for the plurality of contacts to facilitate guiding decisions and process improvements relating to relationship development between the business and each contact of the plurality of contacts in real time.

Claim 41 (previously presented) A method in accordance with claim 38 further comprising:

determining a computer-generated aggregate relative interaction value for the plurality of contacts; and

correlating the aggregate relative interaction value with at least one of business profits, customer satisfaction, and other key performance indicators of the business, wherein the aggregate relative interaction value is a leading indicator of business profits, customer satisfaction and other key performance indicators of the business.

Claim 42 (previously presented) A method in accordance with claim 38 further comprising:

using a computer-generated aggregated data stream to facilitate iterative improvement of business performance; and

adjusting predetermined relative interaction values to reflect new values suggested from results obtained from a relationship tracking system.

2. The following is an examiner's statement of reasons for allowance:

The claimed invention is allowable over the prior art on record, Cheng et al. (US Patent #7,152,039), Mulhern (Francis Mulhern's "Customer Profitability Analysis: Measurement, Concentration and Research Directions"), Walter et al. (US Patent #6,334,110) and Boe et al. (US Patent #6,236,975) in view of the arguments presented by the Applicant in the response filed October 21, 2008.

The teachings of Cheng et al., Mulhern, Walter et al., and Boe et al. rely on the use of historical data in order to track relationships instead of using real-time analysis of a customer interaction data stream in order to define a relationship, and measure its value and interactions only in financial terms. Specifically, none of the cited references teach or suggest the combination of tracking, managing and developing, in real time, customer relationships across the continuum of acquisition, closing and retention, anticipating and creating new streams of operational data for day-to-day operational use in measuring progress in relationship development for a single or plurality of customers, assigning and storing predetermined relative interaction values based on the relative impact of anticipated interactions and relationship enhancement capabilities to each of a plurality of potential interactions, continually assigning the contact to a contact relationship level as each actual interaction is recorded in the database in real time, developing operational data streams for a contact that tracks a cause and effect relationship between recorded interactions and the corresponding relative interaction value and variable cost of each interaction, and using summary reports to make real-time daily decisions, process improvements, and producing long-term planning of the profitability and effectiveness of the chosen strategy and of alternative marketing strategies by aggregating and correlating operational interaction flow summaries and patterns with data acquired from other decision support systems and transaction processing systems.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHOI whose telephone number is (571)272-6971. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

December 12, 2008

/P. C./
Examiner, Art Unit 3623
/Jonathan G. Sterrett/
Primary Examiner, Art Unit 3623